IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7313 OF 2006

Pandit Sampat Dhotre & Anr. ..Petitioners

Vs.

Vilas Subhash Dhotre & Ors. ..Respondents

Mr.Girish P.Agrawal for the petitioners

CORAM : A.P.DESHPANDE, J

DATED : 7TH NOVEMBER, 2006

P.C.:

1. The petitioners who are the original defendants question the correctness of the order passed by the Civil Judge, Senior Division allowing the application moved by the respondent (original plaintiffs) to prosecute the suit as indigent persons.

2. The property in question, according to the plaintiffs, was jointly owned by the present petitioners and one Subhash Dhotre since deceased. After his death, the widow and son aged 18 years instituted a suit for partition, so also moved an

application seeking to sue as indigent persons by contending that they do not have funds to pay the court fee.

3. The trial court, after recording evidence and appreciating the same, has come to the conclusion that the plaintiffs are indigent persons and hence proceeded to grant permission to sue as such. The present petitioners are in possession of the joint family property to the exclusion of the plaintiffs.

4. Perused the order. It is obvious that the plaintiffs do not have funds to pay the court fee and they are indigent persons. The order passed by the trial court is very much legal and proper. It does not call for interference. There being no merit in the petition, the same is summarily dismissed.

(SHRI A.P.DESHPANDE, J)